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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	
Enhanced 911 Emergency Calling Systems	)	
	)	
	)	

RECEIPT

UNITED STATES CELLULAR CORPORATION QUARTERLY E911 IMPLEMENTATION REPORT

Thomas Van Wazer, Esq.
Jennifer Tatel, Esq.
Sidley Austin Brown & Wood LLP
1501 K Street, N.W.
Washington, D.C. 20005

May 1, 2003

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	
Enhanced 911 Emergency Calling Systems	)	
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UNITED STATES CELLULAR CORPORATION
QUARTERLY E911 IMPLEMENTATION REPORT

United States Cellular Corporation ("USCC"), by its undersigned attorneys, hereby submits its third quarterly E911 implementation report pursuant to the Commission's order staying certain E911 phase II deadlines for many non-nationwide wireless carriers.[1] USCC, a so-called Tier II carrier under the *Order to Stay*, submitted its first quarterly implementation report on November 1, 2002[2] and its second quarterly implementation report on February 3, 2003.[3]

I. Introduction

As a wireless carrier with systems in many rural markets, USCC faces particular challenges in upgrading its technology and interacting with a wide variety of PSAPs across its

[1] *See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, Order to Stay, 17 FCC Rcd 14841 (2002) ("*Order to Stay*").
[2] *See* United States Cellular Corporation Quarterly E911 Implementation Report, CC Docket No. 94-102 (filed November 1, 2002) ("*USCC's First Quarterly Report*").
[3] *See* United States Cellular Corporation Quarterly E911 Implementation Report, CC Docket No. 94-102 (filed February 3, 2003) ("*USCC's Second Quarterly Report*").

service area. To meet these challenges, USCC continues to increase both the financial and personnel resources devoted to the deployment of E911 services throughout its service area. This continued commitment produced several significant E911 milestones for USCC in the most recent quarter, including completion of the phase I roll-out to 90 percent of its requesting PSAPs, successfully rolling-out phase II service to *every* PSAP ready for the service in its CDMA markets, and exceeding expectations for GPS-enabled handset sales.

II. Status of Phase I Requests

USCC continues to deploy phase I E911 service to PSAPs throughout its service area. In many instances, the PSAPs served by USCC are small entities with limited technical and financial resources for which the provision of wireless E911 service is burdensome. Nevertheless, USCC and its E911 vendor, TeleCommunication Systems, Inc. ("TCS"), actively work with all requesting PSAPs to deploy phase I E911 service throughout USCC's service area. In some cases, USCC has proceeded with deployment despite the fact that a particular PSAP's request does not amount to a valid request for service under the Commission's rules.

To date, USCC has successfully deployed phase I service to 536 PSAPs. This represents full phase I deployment to over 90 percent of the PSAPs that have requested the service. USCC has deployed phase I service to every requesting PSAP in Iowa, South Carolina, Tennessee, Texas and Vermont. In the last quarter, USCC has deployed phase I to nine additional PSAPs in North Carolina, 11 additional PSAPs in Illinois, and five additional PSAPs in Florida, among others. A list of deployed phase I jurisdictions is attached hereto as Exhibit A.

USCC currently has 52 pending phase I requests. Of these pending phase I requests, 12 have been pending less than six months. A list of phase I requests pending for less than six months is attached hereto as Exhibit B.

The remaining 40 phase I requests have been pending for more than six months. A list of these requests is attached hereto as Exhibit C. USCC has made significant improvement in addressing these outstanding phase I requests since *USCC's Second Quarterly Report,* reducing this number from 69 to 40. USCC expects to continue its progress in reducing this number in the upcoming quarter as well. For example, as illustrated in Exhibit C, six of these 40 requests (15 percent) have already been scheduled for drive testing, the final step before deployment, within the next 30 days. Another seven of these phase I requests (17 percent) are awaiting the delivery of trunks from the LEC, the last deployment step before drive testing can be scheduled. Seven more (17 percent) are in Washington state where PSAP cost recovery only became effective in January 2003 and where drive testing will be scheduled once PSAPs have approved maps and traffic plans.

Of the remaining phase I requests pending for more than six months, 20 have been delayed, in significant part, by a lack of PSAP readiness or at the request of the PSAP. In fact, 12 of these requests have been dormant for several years after the PSAP indicated that it was reconsidering its initial request for service. USCC is in the process of notifying each of these PSAPs that it intends to remove these requests from the list of pending phase I requests until the PSAP renews its request for service.[4] USCC, like other wireless carriers, has also encountered other delays in the phase I roll-out due to circumstances beyond its control including ongoing LEC-related delays, and ALI database and connectivity problems. USCC and TCS will

continue their efforts to overcome these obstacles and work toward full phase I deployment for all requesting jurisdictions.

III. Status of Phase II Requests

USCC successfully began deployment of phase II E911 service during this quarter in compliance with the Commission's *Order to Stay*, including the timely provision of phase II service to ***every*** requesting PSAP ready for the service in its CDMA markets. To date, USCC has successfully deployed phase II E911 service to 39 PSAPs in its CDMA service area. This includes all requesting PSAPs in Virginia. A list of the PSAPs receiving phase II service is attached hereto as Exhibit D.

USCC currently has 63 outstanding PSAP requests for phase II service. Of these, 20 have been pending less than six months. A list of these phase II requests is attached hereto as Exhibit E.

USCC has 43 phase II requests pending more than six months. A list of these PSAP requests is attached hereto as Exhibit F. For five of these requests, USCC has reached agreements with the PSAPs for an extension of the deadline for providing phase II service. Twenty-eight of these outstanding phase II requests are in USCC's CDMA markets where USCC is prepared to deploy phase II ***as soon as the PSAPs are ready to receive the phase II information***. USCC and its vendors have completed all the necessary steps toward phase II deployment in these jurisdictions and are waiting for the PSAPs to upgrade their systems. In fact, in several markets, USCC and its drive testing vendor, Marconi, actually began drive testing

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[4] The 12 dormant PSAP requests are shaded in Exhibit C.

for phase II deployment only to learn from the requesting PSAP that it was not yet ready to receive the phase II information being provided in the test calls.

USCC has also continued its effort to upgrade its network to provide phase II E911 service to requesting PSAPs, including the four-year conversion of its TDMA markets to 1XRTT CDMA technology.[5] USCC is currently in the second year of this overbuild process and continues to be well ahead of the schedule originally presented to the Commission.[6] A significant benefit from this conversion, which involves a complicated, multiple step process to clear sufficient spectrum in order to overlay a CDMA system in each market, is that a handset-based phase II solution will soon be available in these markets.

Ten of the outstanding phase II requests are from jurisdictions where USCC currently operates TDMA systems. Eight of these requests are in markets scheduled for the CDMA overbuild by July 2003, one is scheduled for a CDMA overbuild by October 2003, and the final market is currently scheduled to be converted in April 2004.[7] USCC has notified the requesting PSAPs in these markets of its planned CDMA conversion timeline and has agreed to

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[5] As a carrier serving a number of RSAs, USCC consistently selected the digital air interface used by carriers serving nearby major metropolitan areas in order to maximize roaming capabilities. As a result, USCC currently has a mixed digital air interface of both CDMA and TDMA systems in its network. In order to keep its service competitive over the long term, USCC announced in late 2001 that it would convert its TDMA markets to CDMA 1XRTT technology over a four year period. *See* United States Cellular Corporation's Supplement to Petition for Waiver of Sections 20.18(e) and (g) of the Commission's Rules, CC Docket 94-102 (filed November 30, 2001) ("*USCC Supplement*").

[6] USCC completed the CDMA overbuild between six months to one full year ahead of schedule in its Wisconsin and northern Illinois markets, as well as several markets in Iowa. In addition, USCC has accelerated the CDMA overbuild in its northeastern markets by one year and stepped up the scheduled overbuild between three and five months in its southwestern and southeastern markets.

[7] The phase II PSAP requests in TDMA markets that predate the scheduled conversion to CDMA 2000 are identified in Exhibit F. The currently scheduled date for conversion to CDMA 2000 in each of those markets is identified in the final column in the Exhibit.

USCC has also moved closer to establishing a permanent SS7 connection between its network and TCS. TCS has placed orders for the required circuits which are expected to be installed in approximately six weeks. Following testing, it is anticipated that this new connection will be active by July 2003 – a connection that will significantly reduce the time needed to deploy phase II in response to future PSAP requests. USCC has also successfully completed the Base Station Almanacs (BSAs) that will be used to improve and verify the accuracy of location information provided to PSAPs. The BSAs have been populated with detailed logistical information for all the cell sites serving USCC's CDMA markets with phase II requests.

IV. Status of Handset Deployment

USCC is in compliance with the Commission's first handset deployment benchmark, namely the requirement to begin selling GPS-enabled handsets by March 1, 2003.[9] USCC began selling GPS-capable handsets in December, 2002, almost three months ahead of schedule.

Currently, USCC has five GPS-enabled handsets available for sale in its CDMA markets: the Motorola v120e, Audiovox CDM8500, Audiovox 9500, SonyEricsson T206 and Kyocera 7135 phones. Two additional GPS-enabled phones – the Nokia 3585I and the Kyocera 3225 – have been approved for use on USCC's network and will be available to dealers and customers in May, 2003. An additional four GPS-enabled phones are in the testing process: Nokia 3586, LGvx4400, Audiovox 8600 and SonyEricsson T606. If no issues arise during testing, it is anticipated that these phones will be commercially available for USCC's dealers and customers in June, 2003.

[9] *See Order to Stay* ¶ 27.

As of March 31, 2003, USCC has sold in excess of 25,000 GPS-enabled handsets. This represents over 16 percent of USCC's total handset sales for the month of March, 2003. In the next quarter, USCC anticipates that handset sales will increase, both in raw numbers and as a percentage of USCC's total handset sales. USCC expects to comply with the requirement that 25 percent of all new handset activations are location-capable by May 31, 2003.[10] USCC will continue to track its sales of GPS-enabled phones in order to ensure compliance with the penetration benchmarks in the Commission's *Order to Stay*.

USCC has finalized its agreement with Marconi Corporation to do the necessary calibration, accuracy and drive testing to ensure that USCC's phase II service meets the Commission's accuracy requirements. To date, Marconi has conducted testing on USCC's CDMA switches that are serving PSAPs with live phase II deployments. These tests have been conducted using CDMA location-capable phones currently available to USCC's customers. Marconi's accuracy test results confirm that USCC is meeting the FCC's handset requirement that 67 percent of the calls are accurate to within 50 meters and 95 percent of the calls are accurate to within 150 meters.

[10] *See id.*

V. Conclusion

As demonstrated above, USCC has made significant progress in deploying E911 phase I and phase II service throughout its service area. Directing significant financial and personnel resources toward the effort, USCC has moved forward in its efforts to meet the Commission's implementation deadlines for E911 deployment.

Respectfully submitted,

UNITED STATES CELLULAR CORPORATION

Thomas P. Van Wazer

Thomas P. Van Wazer
Jennifer Tatel
Sidley Austin Brown & Wood LLP
1501 K Street, NW
Washington, DC 20005
(202) 736-8000

Its Attorneys

EXHIBIT A

Phase 1 Fully Deployed
As of May 1, 2003

State	County	PSAP / Authority Request	Launched Date
FL	Alachua	Alachua County Sheriff's Office	06/13/01
FL	Alachua	Gainesville Police Department-routed to Alachua County Sheriff's Office	06/13/01
FL	Columbia	Columbia County 911	01/29/03
FL	Gadsden	Gadsden County Sheriff's Department	10/25/01
FL	Gilchrist	Gilchrist County Sheriff's Office	03/31/03
FL	Hamilton	Hamilton County Sheriff's Office	03/31/03
FL	Holmes	Holmes County Sheriff's Office	01/29/03
FL	Jackson	Jackson County Sheriff's Office	08/01/02
FL	Levy	Levy County 911 Dispatch	11/09/01
FL	Martin	Martin County Sheriff's Department	04/25/01
FL	Martin	Stuart Police Department	04/25/01
FL	Putnam	Putnam County Department of Public Safety	02/19/03
FL	St Lucie	St Lucie County 911	05/15/01
FL	Wakulla	Wakulla County Sheriff's Office	03/10/03
FL	Washington	Washington County 911	02/21/03
GA	Lowndes	Lowndes County Emergency Communications	07/18/02
IA	Adair	Adair County Sheriff's Department	02/01/02
IA	Adams	Adams County Sheriff's Department	02/01/02
IA	Allamakee	Allamakee County Sheriff's Department	10/23/01
IA	Appanoose	Appanoose County Sheriff's Office	07/09/01
IA	Audubon	Audubon County Dispatch Center	12/20/01
IA	Benton	Benton County Sheriff's Department	07/09/01
IA	Black Hawk	Black Hawk County Sheriff's Office	08/21/01
IA	Boone	Boone County Sheriff's Department	06/13/01
IA	Bremer	Bremer County-Waverly Law Center	07/12/01
IA	Buchanan	Buchanan-Independence Public Safety Center	08/22/01
IA	Butler	Butler County Sheriff's Office	07/12/01
IA	Calhoun	Calhoun County Sheriff's Department	09/18/01
IA	Carroll	Carroll County Communications Center	12/20/01
IA	Carroll	Manning Police Department	12/20/01
IA	Cass	Cass County Public Safety Communications Center	07/02/01
IA	Cedar	Cedar County Sheriff's Department	06/26/01
IA	Cerro Gordo	Cerro Gordo County Sheriff's Office	04/08/02
IA	Cerro Gordo	Clear Lake Police Department	08/31/01
IA	Cerro Gordo	Mason City Police Department	08/31/01
IA	Cherokee	Cherokee County Sheriff's Office	07/12/01
IA	Chickasaw	Chickasaw County Sheriff's Office	10/24/01
IA	Clarke	Clarke County Sheriff's Office	12/20/01
IA	Clayton	Clayton County Sheriff's Department	09/18/01
IA	Clayton	Guttenburg Police Department	09/18/01
IA	Clinton	Clinton County Sheriff's Department	07/03/01
IA	Dallas	Dallas County Sheriff's Department	06/13/01
IA	Dallas	Perry Police Department	06/13/01
IA	Davis	Davis County Sheriff's Office	07/10/01
IA	Decatur	Decatur County Sheriff's Department	02/19/02
IA	Delaware	Manchester Police Department	07/30/01
IA	Marshall	Marshalltown Police Department	08/15/01
IA	Mills	Mills County Communications Center	07/12/01
IA	Mitchell	Mitchell County Communications Center	02/12/02
IA	Monroe	Monroe County Sheriff's Department	08/30/01
IA	Montgomery	Montgomery County Sheriff's Department	07/12/01
IA	Muscatine	Muscatine County Sheriff's Department	04/05/02
IA	Muscatine	Muscatine Police Department	04/05/02
IA	OBrien	OBrien County Sheriff's Department	09/18/01
IA	OBrien	Sheldon Police Department	09/18/01

IA	Osceola	Osceola County Sheriff's Department	12/20/01
IA	Page	Clarinda Police Department	07/12/01
IA	Page	Shenandoah Police Department	07/12/01
IA	Plymouth	Plymouth County Sheriff's Office	07/12/01
IA	Polk	Ankeny Police Department	06/12/01
IA	Polk	Clive Police Department--routed to Westcom	06/12/01
IA	Polk	Des Moines Police Department	06/12/01
IA	Polk	Iowa State Patrol	06/12/01
IA	Polk	Polk County Sheriff's Office	06/12/01
IA	Polk	Urbandale Police Department-routed to Westcom	06/12/01
IA	Polk	Westcom	06/12/01
IA	Poweshiek	Poweshiek County Sheriff's Department	08/15/01
IA	Ringgold	Ringgold County Sheriff's Department	02/01/02
IA	Sac	Sac County Sheriff's Office	12/20/01
IA	Scott	Bettendorf Police Department	08/22/01
IA	Scott	Davenport Police Department	04/09/02
IA	Scott	Scott County Sheriff's Department	04/09/02
IA	Sioux	Sioux County Sheriff's Department	07/12/01
IA	Story	Ames Police Department	06/13/01
IA	Story	Story County Sheriff's Office	06/13/01
IA	Tama	Tama County Sheriff's Department	07/09/01
IA	Taylor	Taylor County Sheriff's Department	07/18/02
IA	Union	Union County Sheriff's Office	12/20/01
IA	Van Buren	Van Buren County Sheriff's Department	07/12/01
IA	Wapello	Ottumwa Police Department	08/31/02
IA	Wapello	Wapello County Sheriff's Office	08/31/01
IA	Warren	Warren County Sheriff's Office	06/13/01
IA	Washington	Washington County Sheriff's Office	08/31/01
IA	Wayne	Wayne County Sheriff's Department	09/18/01
IA	Webster	Webster County Law Enforcement Center	07/12/01
IA	Winnebago	Winnebago County Sheriff's Department	02/12/02
IA	Winneshiek	Decorah Police Department	07/25/01
IA	Worth	Worth County Sheriff's Office	10/23/01
IA	Wright	Wright County Sheriff's Department	02/12/02
IL	Boone	Boone County ETSB	04/21/03
IL	Carroll	Carroll County 911	06/28/01
IL	Cook	Alsip Police Department	05/07/02
IL	Cook	Barrington Hills Police Department	02/08/02
IL	Cook	Barrington Police Department	02/08/02
IL	Cook	Bedford Park Police Department	11/06/01
IL	Cook	Bellwood Police Department	06/05/02
IL	Cook	Berkeley Police Department	03/19/02
Il	Cook	Berwyn Police Department	04/24/02
IL	Cook	Blue Island Police Department	03/14/02
IL	Cook	Broadview Police Department	11/28/01
IL	Cook	Chicago Heights Police Department	03/19/02
IL	Cook	Cicero Police Department	01/08/02
IL	Cook	City of Chicago Communication Center	02/07/02
IL	Cook	Cook County Sheriff's Department - Elk Grove	11/28/01
IL	Cook	Country Club Hills Police Department	01/23/03
IL	Cook	Countryside Police Department	06/05/02
IL	Cook	Des Plaines Police Department	11/12/01

IN	Lake	Hammond Police Department	06/29/00
IN	Lake	Highland Police Department	06/29/00
IN	Lake	Hobart Police Department	06/29/00
IN	Lake	Lake County Sheriff's Office	06/29/00
IN	Lake	Lake Station Police Department	06/29/00
IN	Lake	Lowell Police Department	06/29/00
IN	Lake	Merrillville Police Department	06/29/00
IN	Lake	Munster Police Department	06/29/00
IN	Lake	New Chicago Police Department	06/29/00
IN	Lake	Schererville Police Department	06/29/00
IN	Lake	St. John Police Department	06/29/00
IN	Lake	Whiting Police Department	06/29/00
IN	Miami	Miami County Sheriff's Office	07/03/02
IN	Montgomery	Crawfordsville Police Department	07/11/02
IN	Porter	Porter County Sherrif's Office	09/11/00
IN	Putnam	Putnam County 911	02/27/03
IN	Wabash	Wabash County Sheriff's Office	02/21/03
MO	Boone	Boone County Joint Communication & Information Center	04/21/03
MO	Jasper	Jasper County Emergency Services Department	03/14/03
MO	Jasper	Jasper County Sheriff's Office	03/14/03
MO	Jasper	Joplin Police Department	03/14/03
MO	Macon	Macon County E911	02/10/03
MO	Newton	Newton County Central Dispatch	01/31/03
MO	Stone	Stone County Emergency Services	06/27/02
MO	Taney	Branton Police Department	08/27/02
MO	Taney	Taney County E911	08/27/02
MO	Webster	Webster County Sheriff's Department	06/27/02
NC	Allegany	Allegany County E-911/ Mapping	01/27/03
NC	Ashe	Ashe County Communications	01/28/03
NC	Bertie	Bertie County Sheriff's Office	01/29/03
NC	Beaufort	Beaufort Communication Center	11/15/00
NC	Beaufort	Washington Police Department	11/15/00
NC	Bladen	Bladen County Sheriff's Communications	08/09/01
NC	Brunswick	Brunswick County Emergency Communications	04/11/00
NC	Brunswick	Long Beach Police Department	04/11/00
NC	Brunswick	Oak Island Department of Public Safety	04/11/00
NC	Brunswick	South Port Police Department	04/11/00
NC	Buncombe	Buncombe County Emergency Management	12/11/00
NC	Camden	Camden/Pasquotank Center Communications	01/27/03
NC	Carteret	Atlantic Beach Police Communications	01/11/01
NC	Carteret	Carteret County Sheriff's Department	01/11/01
NC	Carteret	Emerald Isle Police Communications	01/11/01
NC	Carteret	Morehead City Police Communications	01/11/01
NC	Caswell	Caswell County Communications Center	04/03/03
NC	Chatham	Chatham County Emergency Operations	01/31/03
NC	Chowan	Chowan County Central Communications	11/15/00
NC	Columbus	Columbus County Emergency Services	12/01/00
NC	Columbus	Columbus County Sheriff's Office	12/01/00
NC	Craven	Craven County Sheriff's Communication	04/23/03
NC	Craven	Havelock Department of Public Safety	04/23/03
NC	Craven	New Bern Communications Center	04/21/03
NC	Dare	Dare County Sheriffs Office	09/12/01

NC	Dare	Hatteras Communications Center	09/12/01
NC	Duplin	Duplin County Sheriff's Department	04/11/01
NC	Edgecombe	Edgecombe County 911 Communications	12/03/02
NC	Edgecombe	Tarboro Police Communications	12/04/02
NC	Franklin	Franklin County Communications	11/21/00
NC	Gates	Gates County Communication Center	04/23/03
NC	Greene	Greene County Department of Emergency Services	04/08/03
NC	Halifax	Halifax County Central Communications	02/15/01
NC	Harnett	Dunn Police Department	01/24/01
NC	Harnett	Erwin Police Department	01/24/01
NC	Harnett	Harnett County Sheriff's Communications	01/24/01
NC	Henderson	Henderson County Sheriff's Communications	02/13/02
NC	Hertford	Hertford County Sheriff's Office	04/23/03
NC	Hoke	Hoke County Emergency Communications	12/13/00
NC	Hyde	Hyde County Courthouse	01/30/01
NC	Johnston	Johnston County Emergency Communications	11/21/00
NC	Jones	Jones County Sheriff's Office	04/23/03
NC	Lee	Lee County 911	01/08/01
NC	Lenoir	Lenoir County Communications	07/09/01
NC	Martin	Martin County Communications Center	12/05/00
NC	Nash	Nash County Central Communications	12/01/00
NC	Nash	Rocky Mount Police Communications	12/01/00
NC	New Hanover	New Hanover County Sheriff's Department	01/30/02
NC	Onslow	Camp Lejeune Fire Protection Division	12/20/00
NC	Onslow	Jacksonville Police Communications	12/20/00
NC	Onslow	Onslow County E 911 Communications	12/20/00
NC	Pamlico	Pamlico County Sheriff's Department	08/27/01
NC	Pender	Pender County Sheriff's Office	02/04/03
NC	Perquimans	Perquimans County Communication System	04/30/03
NC	Person	Person County Communications	01/31/03
NC	Polk	Polk County Communications	05/25/01
NC	Randolph	Randolph County Emergency Management	02/15/01
NC	Robeson	Lumberton Communications Center	10/12/00
NC	Robeson	Robeson County Communications	10/20/02
NC	Rockingham	Eden Police Department	08/25/00
NC	Rockingham	Reidsville Police Department	08/25/00
NC	Rockingham	Rockingham County E 911	08/25/00
NC	Rutherford	Rutherford County Communications	11/16/01
NC	Sampson	Sampson County Sheriff's Office	08/14/01
NC	Surrey	Surrey County Communications	01/27/03
NC	Tyrrell	Tyrrell County Sheriff's Communications	11/20/01
NC	Washington	Washington County Sheriff's office	01/29/03
NC	Wayne	Goldsboro Police Department	01/31/01
NC	Wayne	Mt Olive Police Department	01/31/01
NC	Wayne	Seymour Johnson AFB Fire Department	01/31/01
NC	Wayne	Wayne County Communications	01/31/01
NC	Wilkes	Wilkes County Sheriff's Department	01/28/03
NC	Wilson	Wilson County Emergency Communications	12/01/00
SC	Darlington	Darlington County Sheriff's Department	11/03/00
SC	Dillon	Dillon County 911	11/03/00
SC	Kershaw	Kershaw County 911	11/01/00
SC	Marlboro	Marlboro County E911	11/08/00

VA	Montgomery	Christianburg Police Department	10/30/02
VA	Montgomery	Montgomery County Sheriff's Office	10/30/02
VA	Patrick	Patrick County 911	10/28/02
VA	Pulaski	County of Pulaski E-911 Services	10/23/02
VA	Roanoke City	Roanoke City Communications Department	07/12/02
VA	Roanoke County	Roanoke County Police Department	07/16/02
VA	Rockbridge	Rockbridge County Sheriff's Office	10/30/02
VA	Salem City	Salem City Police Department	07/16/02
VA	Smyth	Smyth County E911	04/23/03
VT	Chittenden	Shelburne Police Department	12/13/01
VT	Chittenden	Williston E911	12/13/01
VT	Rutland	Rutland City Police and Fire Department	12/13/01
VT	Windsor	Hartford Police Department	12/13/01
VT	Windsor	Springfield Police Department	12/13/01
WV	Fayette	Fayette County Office of Emergency Services	05/07/02
WV	Harrison	Harrison County Emergency Services	07/11/01
WV	Marion	Marion County Central Communications	08/13/01
WV	Monongalia	MECCA 911	07/11/01
WV	Preston	Preston County Emergency Services	08/01/01
WV	Raleigh	Raleigh County Emergency Services	05/08/02
WV	Summers	Summers County Control	01/27/03
WV	Taylor	Taylor County Sheriff's Office	01/27/03

EXHIBIT B

Phase 1 Requests Pending Less than Six Months
As of May 1, 2003

State	County	PSAP / Authority Request	Request Date
MO	Howell	Howell County 9-1-1	02/21/03
MO	Monroe	Monroe County 9-1-1	04/01/03
NE	Douglas	Communications Dept. 9-1-1 Douglas County	02/04/03
NE	Sarpy	Emergency Management and Communication Agency	02/04/03
OK	Tulsa	City of Tulsa and Tulsa County	12/03/03
VA	Campbell	Campbell County VA 911	01/21/03
VA	Cumberland	Cumberland County	01/13/03
VA	Floyd	Floyd County Emergency Services	12/16/02
VA	Prince Edward	Town of farmville E-911	02/06/03
WA	Benton	Southeese Communications Center	12/20/02
WA	Cowlitz	Cowlitz County 911 Communications Center	11/19/02
WA	Pacific	Pacific County Sheriff's Office	11/15/02

EXHIBIT C

Phase 1 Requests Pending More Than Six Months

As of May 1, 2003

State	County	PSAP / Authority Request	Received Date	Due Date	Estimated Completion Date	Primary Issue that Created Delay / Status of Deployment
FL	Calhoun	Calhoun County Sheriff's Office	02/20/02	N/A	N/A	On hold per PSAP until PSAP CPE upgrade in spring 2004
FL	Gulf	Gulf County Sheriff's Office	08/31/00	N/A	N/A	On hold per PSAP until PSAP CPE upgrade in spring 2004
FL	Leon	Leon County Sheriff's Office	10/24/00	N/A	N/A	PSAP wants CAS solution. USCC can only support an NCAS solution
FL	Madison	Madison County 911	01/31/00	N/A	N/A	PSAP database delays. PSAP switching to optional ALI database with LEC. PSAP will wait for NCAS until Phase 2 ready.
GA	Tift	Tift County 9-1-1	03/16/98	N/A	N/A	On hold per PSAP while PSAP resolves cost recovery issues due to USCC low subscriber base in Tift County.
ID	Bonneville	Bonneville County Sheriff's Office	04/27/01	N/A	N/A	On hold per PSAP. Cost recovery issues.
IL	Cass	Cass County Emergency Telephone System Board	08/19/02	02/19/03	05/31/03	All deployment tasks are complete except for delivery of trunks and building translations. Drive testing will follow. Trunks were ordered to the wrong location and needed to be re-ordered.
IL	Morgan	Morgan County 911	02/27/01	08/26/01	05/05/03	Verizon Interconnect Agreement. On-site ALI database. All deployment tasks are complete. PSAP will not be ready to drive testing until 5/6/03.
IL	Ogle	Ogle County Sheriff's Office	08/05/00	02/01/01	05/02/03	Verizon Interconnect Agreement. Stand-alone ALI Database connectivity delays. All deployment tasks are complete. Drive testing on 5/1/03.
IL	Scott	Scott County Sheriff's Office	04/30/01	10/27/01	05/06/03	Verizon Interconnect Agreement. On-site ALI database. Sub-PSAP to Morgan, IL. All deployment tasks are complete. PSAP will not be ready to drive testing until 5/6/03.
IL	Whiteside	Whiteside County Sheriff's Office	11/30/00	05/29/01	05/02/03	Ameritech Interconnect Agreement. All deployment tasks are complete. Drive testing in progress. Problems discovered in drive testing, troubleshooting with LEC. Drive testing on 5/1/03.
MD	Allegany	Emergency Management and Civil Defense	11/26/97	N/A	N/A	Request deferred by Maryland Emergency Number Systems Board who is considering whether to reimburse carriers.
MD	Garrett	Garrett County 911	11/26/97	N/A	N/A	Request deferred by Maryland Emergency Number Systems Board who is considering whether to reimburse carriers.
MD	Washington	Washington County Fire and Rescue	11/26/97	N/A	N/A	Request deferred by Maryland Emergency Number Systems Board who is considering whether to reimburse carriers.

MO	Shelby	The County Commission of Shelby County	09/10/01	N/A	05/31/03	No cost recovery for PSAPs. Verizon Interconnect Agreement. All deployment tasks are complete except for delivery of trunks and building translations. Trunks were not ordered with the T1's and have been re-ordered. Drive testing will follow as soon as the trunks are in.
MO	Texas	Wri/Tex E 911	12/27/00	N/A	05/31/03	No cost recovery for PSAP. Verizon Interconnect Agreement. All deployment tasks are complete and trunks are in. Troubleshooting issues encountered in drive testing with LEC.
NC	Granville	Granville County Emergency Communications	Verbal request	N/A	05/31/03	No formal written request. Stand-alone ALI Database connectivity delays. T1 connectivity issue Smithfield MTSO and AT&T Rocky Mt. Router. LEC is troubleshooting. Maps and traffic plans sent to PSAP for approval.
NC	Madison	Madison County Emergency Communications	Verbal request	N/A	N/A	No formal written request. Stand-along ALI Database connectivity problems. Awaiting funding for PSAP's CPE upgrade. PSAP needs to install CPE and decide what ALI to connect to.
NC	McDowell	McDowell County Emergency Operations	10/25/00	N/A	05/15/03	PSAP not enhanced when request submitted or by 6 month due date. PSAP completed required CPE upgrade on 9/23/02. ALI link live 10/2/02. PSAP requested direct trunking. Trunks are in. Troubleshooting of router needed to occur. PSAP relocated it's equipment and is working to re-establish a connection and would like USCC to deploy the beginning of May 2003.
NC	Mitchell	Mitchell County E911	08/22/02		05/15/03	All deployment tasks are complete except for delivery of trunks and building translations. Drive testing will follow. Trunks are due to be delivered on 5/1/03.
NC	Moore	Moore County Emergency Communications	05/12/00	11/08/00	05/15/03	Stand-alone ALI Database connectivity delays. All deployment tasks are complete except for delivery of trunks and building translations. Trunks are due 4/28/03. Drive testing will follow.
NC	Pitt	Pitt County 911	11/15/00	N/A	N/A	Stand-alone ALI Database connectivity delays. ALI connection required unique CPE interface. Lightning damaged router on 9/19/02. Third router ordered. PSAP has informed [illegible] will be rescinding their Phase 1 request and has asked [illegible] deploying due to PSAP blocking issues.
NC	Vance	Henderson Vance 911 Center	07/31/01	01/27/02	05/31/03	Stand-alone ALI Database connectivity delays. All deployment tasks are complete. Trunks are in. Drive testing will follow AT&T's esolution of a T1 provisioning issue.
NH	State-wide	New Hampshire State Police	03/20/97	N/A	05/31/03	Invalid request. Cost plan issues. Switch integrated. Maps and traffic plans sent to PSAP for approval. Trunks are due in 5/9/03. Drive testing will follow.
VA	Allegheny	Alleghany County E-911	06/04/02	N/A	05/31/03	All USCC deployment tasks are complete except for trunks. Waiting on PSAP's trunks to come in to drive test.
VA	Buckingham	Buckingham County Sheriff's Office	06/01/02		05/02/03	Received approved maps and traffic plans back from the PSAP on 4/23/03. Drive testing has been scheduled for 4/29/03.

VA	Charlotte	Charlotte County Sheriff's Office	07/11/01	N/A	05/02/03	PSAP not Phase 1 capable until 3/21/02. Trunk order delayed due to LEC circuit design issue LEC is working on. All deployment tasks are complete. Trunks are in. Drive testing scheduled for 4/29/03.
VA	Fluvanna	Fluvanna County Sheriff's Office	09/18/02		05/02/03	PSAP upgrade was completed 4/17/03. Drive testing is scheduled for 4/30/03.
VA	Grayson/Carroll	City of Galax Police Department	10/26/99	N/A	05/23/03	PSAP was not ready for Phase 1 until August 2002. All deployment tasks are complete except for delivery of trunks. Trunks due in 5/5/03. Drive testing will follow.
VA	Greene	Greene County Sheriff's Office	05/28/02	11/28/02	05/31/03	Waiting on PSAP's contractor, LRK, to approve the maps and traffic plans. The remaining deployment tasks and drive testing will occur very quickly upon receipt of approved maps and traffic plans.
VA	[illegible]	Town of [illegible]	[illegible]	N/A	N/A	PSAP will not be ready until [illegible] in July or August 2003.
VA	Roanoke	Town of Vinton Police Department	05/23/02	11/23/02	06/15/03	PSAP does not have trunks in. All USCC deployment steps are complete. Drive testing will occur as soon as PSAP is ready.
WA	Grays Harbor	Grays Harbor Communications	03/20/00	N/A	05/09/03	No cost recovery until January 2003. Trunks are due in on 4/30/03. PSAP approved the maps and traffic plans on 4/28/03. Drive testing scheduled for 5/1/03.
WA	Kittitas	KittCom 911	10/30/02	N/A	05/31/03	No cost recovery until Janaury 2003. Trunks are in. Waiting on PSAP approval of maps and traffic plans sent to PSAP and drive testing will follow.
WA	Klickitat	Klickitat Sheriff's Office	05/14/02	N/A	05/31/03	No cost recovery until January 2003. Trunks are due 5/6/03. Correcting maps and traffic plans to send to PSAP for PSAP approval, and drive testing will follow.
WA	Lewis	Lewis County Department of Public Works	10/04/02	N/A	05/31/03	No cost recovery until Janaury 2003. Trunks are in. Waiting on PSAP approval of maps and traffic plans and drive testing will follow.
WA	Mason	Mason County 911	09/12/02	N/A	05/31/03	No cost recovery until January 2003. Trunks are in. Waiting on PSAP approval of maps and traffic plans to send to PSAP and drive testing will follow.
WA	Wahkiakum	Wahkiakum County Sheriff's Office	10/02/02	N/A	05/15/03	No cost recovery until January 2003. Trunks are in. PSAP approved maps and traffic plans on 4/15/03. Drive testing scheduled for 5/1/03.
WA	Yakima	Yakima Public Safety Communications Center	10/29/02	N/A	05/31/03	No cost recovery until January 2003. Trunks are in. Waiting on PSAP approval of maps and traffic plans and drive testing will follow.
WV	Mercer	Mercer County 911	04/30/01	N/A	03/31/03	Stand alone ALI database, PSAP is not connected to a selective router. Connectivity delays. Trunks due on 5/15/03 and drive testing will follow.

Exhibit D
Phase 2 Fully Deployed
As of May 1, 2003

State	County	PSAP / Authority Request	Launched Date
IL	Cook	Barrington Hills Police Department	02/26/03
IL	Cook	Cook County Sheriff's Department	02/27/03
IL	Cook	Evanston Police Department	03/06/03
IL	Cook	Glenview-Wheeling Police Department	03/10/03
IL	Cook	Lansing Police Department	03/12/03
IL	Cook	Northbrook Police Department	03/14/03
IL	Cook	Northfield Police Department	03/12/03
IL	Cook	Rosemont Police and Fire	03/13/03
IL	Cook	Skokie Police Department	03/13/03
IL	Cook	Wheeling Police Department	03/10/03
IL	Lake	Deerfield Police Department	04/24/03
IL	Lake	Vernon Hills Police Department	03/14/03
IL	Lake	Waukegan Police Department	03/25/03
IL	Peoria	Bartonville Police Department	03/14/03
IL	Peoria	Peoria Heights Police Department	03/14/03
IL	Peoria	Chillicotte Police Department	03/14/03
IL	Peoria	Peoria Police Department Communications Center	03/10/03
IL	Tazewell	East Peoria Police and Fire	03/26/03
IN	Carroll	Carroll County Sheriff's Department	04/03/03
IN	Cass	Cass County Enhanced 911	03/31/03
IN	Lake	Lake County Sheriff	03/13/03
IN	Miami	Miami County Sheriff's Office	03/27/03
IN	Putnam	Putnam County 911 Communications Office	03/28/03
IN	Wabash	Wabash County Sheriff's Office	03/13/03
NC	Chowan	Chowan Central Communications Center	04/09/03
NC	Duplin	Duplin County Sheriff's Department	03/20/03
NC	Johnston	Johnston County Emergency Communications	03/19/03
NC	Harnett	County of Harnett Management Information Systems	04/01/03
NC	Lee	Sanford Police Department	04/10/03
NC	Nash	Nash County Emergency Services	04/01/03
TN	Anderson	Anderson County E911	03/27/03
TN	Blount	Blount County Communications Center	04/01/03
TN	Monroe	Monroe County Communications	04/03/03
TN	Union	Union County Sheriff's Office	04/02/03
VA	Albemarle	Albemarle Emergency Communication Center	03/04/03
VA	Amherst	City of Lynchburg Emergency Communication Center	02/25/03
VA	Henry	Martinsville/Henry County 911 Communications Center	03/11/03
VA	Roanoke	Salem City Police Department	02/25/03
VA	Rockbridge	Rockbridge County Sheriff's Department	03/04/03
		39	

EXHIBIT C

Phase 2 Requests Pending Less than Six Months
As of May 1, 2003

State	County	PSAP / Authority Request	Request Date
IL	Cook	SouthCom Combined Dispatch Center	12/28/02
IL	Cook	Village of Schaumburg	01/05/03
IL	Cook	West Surburban Consolidated Dispatch Center	04/02/03
IL	Cook	Franklin Park Police Department	02/07/03
Il	DuPage	DuPage County 9-1-1 Emergency Telephone System Board	03/31/03
IL	Knox	Galesburg/Knox County Emergency Telephone Systems Board	07/28/03
IL	Sangamon	Sangamon County Emergency Telephone	01/06/03
IN	Marshall	Marshall County Sheriff	11/08/02
MO	Boone	City of Columbia & Boone County Emergency Management	01/23/03
MO	Macon	Macon County Enhanced 911	02/20/03
MO	Monroe	Monroe County 9-1-1	04/01/03
NC	Buncombe	Buncombe County Emergency Management	02/03/03
NC	Guilford	City of Greensboro	01/28/03
NC	Hamett	Dunn Police Department	03/24/03
NC	Hertford	Hertford County Sheriff's Office	03/20/03
NC	Perquimans	Perquimans County Communication System	04/09/03
NC	Rockingham	Eden Police Department	11/20/02
NC	Rockingham	Rockingham County Emergency Services	11/01/02
NH	Merrimack	State of New Hampshire Department of Administrative Services Bureau of Emergency Communications	02/13/03
WV	Mercer	Mercer County Communications Center	04/08/03
		20	

EXHIBIT F

Phase 2 Requests Pending
More Than Six Months

State	County	PSAP / Authority Request	Received Date	Due Date	Estimated Completion Date	Primary Issue that Created Delay / Status of Deployment
FL	Jackson	Jackson County Sheriff's Office	01/18/02	03/01/03	06/01/04	On hold pending TDMA to CDMA conversion scheduled for 4/1/04
IL	Cass	Cass County Sheriff's Department	08/08/02	06/01/03	06/01/03	PSAP granted an extension. Phase 2 deployment is pending the deployment of Phase 1.
IL	Cook	City of Chicago Communications Center	04/23/03		06/30/03	PSAP will not be Phase 2 ready until mid-May. PSAP will need to stagger drive testing dates with the many carriers who are all ready to deploy Phase 2.
IL	Cook	Orland Park Police Department	02/14/02			PSAP not ready for Phase 2. PSAP requested we check back with them on May 1, 2003 to see if they are ready.
IL	Lake	Winthrop Harbor	03/14/01		07/15/03	PSAP will not be ready for Phase 2 until late June 2003.
IL	McLean	McLean County	07/05/02		05/31/03	PSAP granted an extension. Phase 2 deployment was pending the deployment of Phase 1 which occurred on 04/30/03.
IL	Rock Island	Rock Island County Sheriff's Department	11/16/00		05/13/03	PSAP granted an extension and drive testing is scheduled for 5/12/03 by agreement with the PSAP.
IL	Will	Will County Police Department	09/23/02		05/09/03	PSAP was not ready for Phase 2 until mid-April and we were in a deployment line with other carriers vying for drive test dates. Drive testing began on 4/30/03, but PSAP was unable to do re-bids. Troubleshooting in progress.
MO	Stone	Stone County Emergency Services	05/04/01	03/01/03	12/01/03	On hold pending TDMA to CDMA conversion scheduled for 10/1/03
NC	Craven	New Bern Communications Center	08/27/03			PSAP is not yet ready for Phase 2.
NC	Hoke	Hoke County Emergency Communications	08/19/02			PSAP granted us an extension. We tried to drive test on 4/16/03, but the PSAP was not ready for Phase 2.

NC	McDowell	McDowell County Emergency Operations	10/25/00		06/15/03	Phase 2 is pending Phase 1. PSAP requested new T1 and Trunking on Phase 1, which delayed the Phase 1 deployment. Phase 1 anticipated by 5/15/03, Phase 2 will follow immediately thereafter.
NC	New Hanover	New Hanover County Sheriff's Department	02/26/02	05/31/03	05/20/03	PSAP granted an extension
TN	Anderson	Anderson County EMS	12/28/01			PSAP is not yet ready for Phase 2.
TN	Anderson	Clinton Police Department	12/28/01			PSAP was not ready for Phase 2 until the end of April. Drive testing scheduled for week of May 5, 2003.
TN	Anderson	Lake City Police Department	12/28/01			PSAP is not yet ready for Phase 2.
TN	Anderson	Oak Ridge Police Department	12/28/01			PSAP was not ready for Phase 2 until the end of April. Drive testing scheduled for week of May 5, 2003.
TN	Anderson	Oliver Springs Police Department	12/28/01			PSAP is not yet ready for Phase 2.
TN	Bledsoe	Bledsoe County Sheriff's Office	12/28/01			PSAP is not yet ready for Phase 2.
TN	Blount	Blount County Communications Center	12/28/01			PSAP is not yet ready for Phase 2.
TN	Bradley	Cleveland Police Department Dispatch Center	12/28/01			PSAP is not yet ready for Phase 2.
TN	Cocke	Cocke County 911	12/28/01			PSAP is not yet ready for Phase 2.
TN	Jefferson	Jefferson County 911	12/28/01			PSAP was not ready for Phase 2 until the end of April. Drive testing scheduled for week of May 5, 2003.
TN	Knox	Knox Emergency Communications District	12/28/01			PSAP is not yet ready for Phase 2.
TN	Loudon	Loudon County Sheriff's Office	12/28/01			PSAP is not yet ready for Phase 2.
TN	McMinn	Ettowah Police Department	12/28/01			PSAP is not yet ready for Phase 2.
TN	McMinn	McMinn County 911	12/28/01			PSAP is not yet ready for Phase 2.
TN	Meigs	Meigs County Sheriff's Office	12/28/01			PSAP is not yet ready for Phase 2.
TN	Polk	Polk County Sheriff's Department Central 2	12/28/01			PSAP is not yet ready for Phase 2.
TN	Polk	Polk County Sheriff's Office	12/28/01			PSAP is not yet ready for Phase 2.
TN	Rhea	Rhea County 911	12/28/01			PSAP is not yet ready for Phase 2.
TN	Sevier	Gatlinburg Police Department	12/28/01			PSAP is not yet ready for Phase 2.
TN	Sevier	Pigeon Forge Police Department	12/28/01			PSAP was not ready for Phase 2 until the end of April. Drive testing scheduled for week of May 5, 2003.

TN	Sevier	Sevier County Sheriff's Office	12/28/01			PSAP was not ready for Phase 2 until the end of April. Drive testing scheduled for week of May 5, 2003.
TN	Sevier	Sevierville Police Department	12/28/01			PSAP was not ready for Phase 2 until the end of April. Drive testing scheduled for week of May 5, 2003.
TX	Neuces	City of Corpus Christi	09/10/02	03/01/03	10/01/03	On hold pending TDMA to CDMA conversion scheduled for 7/1/03
TX	Wichita	American Medical Response/Lifeline EMS	01/24/01	03/01/03	10/01/03	On hold pending TDMA to CDMA conversion scheduled for 7/1/03
TX	Wichita	Burkburnett Police Department	01/24/01	03/01/03	10/01/03	On hold pending TDMA to CDMA conversion scheduled for 7/1/03
TX	Wichita	Electra Police Department	01/24/01	03/01/03	10/01/03	On hold pending TDMA to CDMA conversion scheduled for 7/1/03
TX	Wichita	Iowa Park Police Department	01/24/01	03/01/03	10/01/03	On hold pending TDMA to CDMA conversion scheduled for 7/1/03
TX	Wichita	Sheppard Air Force Base Fire Department	01/24/01	03/01/03	10/01/03	On hold pending TDMA to CDMA conversion scheduled for 7/1/03
TX	Wichita	Wichita Falls Police Department	01/24/01	03/01/03	10/01/03	On hold pending TDMA to CDMA conversion scheduled for 7/1/03
VT	State-wide	State of Vermont 911	01/07/02	03/01/03	12/31/03	On hold pending TDMA to CDMA conversion scheduled for 10/1/03
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	
Enhanced 911 Emergency Calling Systems	)	
	)	
	)	

AFFIDAVIT OF JAMES JENKINS

I, James Jenkins, hereby declare as follows:

1. I am Vice President, External Affairs, for United States Cellular Corporation ("USCC"). In this capacity, I am familiar with USCC's E911 deployment efforts.

2. I have reviewed the foregoing USCC Quarterly E911 Implementation Report and believe that the facts contained therein are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Dated this 1st day of May, 2003.

James Jenkins

CERTIFICATE OF SERVICE

I, Tami Smith, do hereby certify that on this 1st day of May 2003, copies of the foregoing "United States Cellular Corporation Quarterly E911 Implementation Report" were served by U.S. first-class mail, postage prepaid, to the following:

David Solomon, Chief
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 7-C485
Washington, D.C. 20554

John Muleta, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-C252
Washington, D.C. 20554

Robert M. Gurss
Counsel for APCO
Shook Hardy & Bacon
600 14th Street, N.W., Suite 800
Washington, D.C. 20005

James R. Hobson
Counsel for NENA
Miller & Van Eaton
1155 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036

John K. Ramsey
Executive Director
APCO International
351 N. Williamson Boulevard
Daytona Beach, FL 32114

W. Mark Adams
Executive Director
NENA
422 Beecher Road
Columbus, OH 43230

Evelyn Bailey, President
NASNA
State of Vermont Enhanced 911 Board
94 State Street – Drawer 20
Montpelier, VT 05620

Tami Smith

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* File name:                                 Server: HP4000_3-A101_1            *
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* Description: Microsoft Word - 9-1-1 privacy PRM _JRH01405_.DOC               *
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	RM-_____
Release of Customer Information	)	
During 9-1-1 Emergencies	)	

PETITION FOR RULEMAKING

The National Emergency Number Association ("NENA"), the Association of Public-Safety Communications Officials-International, Inc. ("APCO") and the National Association of State Nine One One Administrators ("NASNA") hereby request the Commission to solicit public comment, pursuant to the Administrative Procedure Act ("APA"), 5 U.S.C.§553, and Section 1.401 of the Rules, on the legal preconditions to release of customer-specific information to Public Safety Answering Points ("PSAPs") in the course of response to 9-1-1 emergency calls.[1] Relevant federal statutes are Section 222 of the Communications Act and portions of the criminal code amended by the USA PATRIOT and Homeland Security Acts.[2]

In general, a wire or wireless caller's expectations of privacy are diminished when 9-1-1 is dialed. As the Department of Justice advised in an opinion requested by the FCC:

> Calling 911 and triggering the government's emergency response invalidates any claim by a caller that he does not in fact consent to the disclosure of information regarding his location. If he chooses to seek such emergency aid, he implicitly consents both to aiding the

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[1] We believe the views of wire and wireless carriers and privacy advocates, among others, would be important to a process of rulemaking. In the alternative, we ask the FCC to consider a declaratory ruling to remove uncertainty, pursuant to Section 5(d) of the APA, 5 U.S.C.§553(e), and Section 1.2 of the Commission's Rules.

[2] Respectively, P.L. 107-56 and P.L. 107-296. Other federal statutes, as well as state laws, may also apply, and could be expected to emerge in public comment.

> authorities in this limited way and to action taken by the government to verify his call.[3]

Explicit 9-1-1-related exemptions from telephone privacy protections are found in both the Communications Act and the U.S. criminal code.

The Communications Act. Section 222 of the Act generally protects the confidentiality of "customer proprietary network information" ("CPNI"), defined in re-designated subsection (h) as "information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier . . ."

Since the customer's location ordinarily would be treated confidentially, an exception must be made for emergency calls from commercial mobile service users. Call location information may be released:

(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services;

(B) to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.

New Section 222(f) provides that a customer shall not be considered to have approved disclosure of or access to call location information except "in accordance with" (A), (B) or (C)

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[3] Memorandum Opinion to Criminal Division from Office of Legal Counsel, Department of Justice, September 10, 1996, page 6, n. 13, citations omitted. The document is posted on the FCC's Electronic Comment Filing System under date of 12/13/1996, CC Docket 94-102. In due course, the opinion was made available to the FCC and used in deciding issues of wireless carrier liability. Memorandum Opinion and Order, 12 FCC Rcd 22665 (1997), ¶131.

above. Similarly, disclosure of automatic crash notification ("ACN") information is not considered approved "other than for use in the operation of an automatic crash notification system."

New Section 222(g) requires carriers providing telephone exchange service to release subscriber listed and unlisted information on a timely and unbundled basis, under reasonable and nondiscriminatory terms, to providers of emergency services and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.

Re-designated Section 222(h) – formerly (f) – adds definitions of Public Safety Answering Point, Emergency Services, Emergency Notification Services and Emergency Support Services. These definitions are important to the understanding of permissible call location disclosure under Section 222(d)(4)(A), (B) and (C) and Section 222(g).[4]

U.S. Criminal Code. The Department of Justice found no impediment to 9-1-1 wireless caller location disclosure in the Communications Assistance for Law Enforcement Act of 1994 ("CALEA") or the Electronic Communications Privacy Act of 1986 ("ECPA").[5] (Note 3, *supra*, at 3-7) However, an amendment to ECPA by the Homeland Security Act of 2002 (note 2, *supra*) added the following to the "exceptions for disclosure of communications" at 18 U.S.C.§2702(b):

> (7) to a governmental entity, if the provider reasonably believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of communications relating to the emergency.

A similar provision added in the USA Patriot Act of 2001 is found at 18 U.S.C.§2702(c)(4), relating to customer "records" rather than "communications:"

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[4] These 9-1-1-related amendments to Section 222 were enacted in the Wireless Communications and Public Safety Act of 1999, P.L.106-81, which also designated 9-1-1 as the universal emergency telephone number in the United States.

[5] Respectively, P.L.103-414 (1994) and P.L. 99-508 (1986).

> to a governmental entity if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information.

The use of this language by carriers is discussed further below.

The new language, of course, did not exist when the Justice Department advised the FCC on wireless caller location in 1996. Of chief importance to the Department's opinion was the caller consent provision of 18 U.S.C.§2703(c):

> (1) A governmental entity may require a provider of electronic communication service . . . to disclose a record or other information pertaining to a subscriber or customer of such service (not including the contents of communications) only when the governmental entity --
>
> * * *
>
> (C) has the consent of the subscriber or customer to such disclosure.[6]

It is worth marking for discussion below that Section 2703 allows the government to "require" disclosure while Section 2702 states only that a provider, in the exceptional case, "<u>may</u> divulge" the information.

<u>Carrier Disclosure Policies.</u>

Two of the three wireless carriers that have provided to NENA their written policies on disclosure of subscriber-specific information to 9-1-1 authorities appear to have adopted the language of 18 U.S.C.§2702(b) and (c).[7] Sprint PCS uses the phrase "where someone's life is in

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[6] Although Section 2703 of the Code, along with Section 2702, was revised extensively in 2001 and 2002, the substance of the consent provision remained as it stood at the time of the Department's opinion in 1996.

[7] We requested the written policies of all six national wireless carriers, but have not heard from Cingular, Nextel or Verizon Wireless. While the pertinent statutes read on wire carriers as well, we felt that the national wireless sample would be sufficient for comparison at this time.

immediate danger."[8] AT&T Wireless' "911 Exigent Circumstances Form" specifies "immediate danger of death or serious physical injury."[9] The T-Mobile policy (Attachment 3) contains no such limiting language.

One dilemma created by these variations in language -- for 9-1-1 authorities and telephone carriers alike -- is the frequency with which emergency calls relate to endangered property rather than endangered lives. For example, reports of fire or apparent burglary often present no threat to life but they surely describe property at risk. To the 9-1-1 calltaker, saving property remains highly important even if lower in priority than saving lives. It makes little sense to differentiate the disclosure of customer information based on whether property or lives may be at risk.

An Illustration of the Problem.

Exhibit A recounts an incident in which the caller to 9-1-1 was not the person to be located as in need of help. This was significant to the wireless carrier, which provided the following explanation of its reluctance to disclose the requested information:

> The situation raised by _____ County is different, however. Section 222(d)(4)(A) permits the disclosure of "location information concerning the user" only "in order to respond to the user's call for emergency services." Further, Section 2702(c)(4) only permits disclosure when the "provider reasonably believes" that a life-threatening emergency "justifies disclosure." A call by our customer to 911 or other emergency number provides some objective basis to believe that our customer may be in a life-threatening emergency.
>
> According to the e-mail below, the _____ County situation did not involve a call by our customer to 911 or, for that matter, a call to anyone.

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[8] Attachment 1, paragraph 2.0, "Emergency Hotline." It is not clear whether the "Emergency 911 Request Form" referenced at paragraph 2.1 can only be used in life-threatening situations. No such restriction is found on the face of the form.

[9] Attachment 2. However, the phrase does not appear in the descriptive cover material.

> In fact, our customer was not even the person who needed emergency services, but (if I followed this correctly) was the boyfriend of the woman who was attempting suicide, whose friend called her mother, who in turn called 911.[10]

This is a useful example of the need for rulemaking or some other clarification of the relevant statutes.

Although the Section 222(d) exceptions to customer privacy seem to apply only when the "user" of a commercial mobile radio service is the person to be located as in need of help, there is no such limitation in the counterpart language of the criminal statutes at 18 U.S.C.§2702(b) and (c). Indeed, the latter is more realistic in allowing for the frequency with which 9-1-1 calls are placed by individuals other than those in trouble. Often, victims are unable to dial for help. Instead, aid is summoned by persons acting on their behalf or by "Good Samaritans." Absent a clear showing of Congressional intent, we believe it would be unfortunate to limit Section 222(d) disclosure to cases when the caller and the endangered person are one and the same.

On the other hand, the restriction of the criminal law 9-1-1 disclosure exemption to situations involving "immediate danger of death or serious physical injury" -- a limitation not found in the civil law at Section 222 -- seems unwarranted in light of the Justice Department's interpretation of the pre-existing statute, 18 U.S.C.§2703(c), finding "implied consent" on the part of any caller to 9-1-1 independent of the degree of hazard.[11]

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[10] Emphasis added. This was the response of a lawyer for the carrier to an e-mail from NENA asking about the matter described in Exhibit A. The identities of the local 9-1-1 authority and the wireless carrier are not, we believe, crucial to the discussion, but can be supplied later with their permission.

[11] Assuming consent may only be given or implied when the endangered person is the caller, or when that person has authorized another to call, this would bring the criminal law more closely into line with the "user" terminology in Section 222(d). Similarly, interpreting Section 2703 to cover perils other than immediate danger of death or serious physical injury would help to align the criminal statutes with the civil law reflected in the Communications Act.

If Section 2703 controls Section 2702, the likelihood of death or serious physical injury should not be a factor in deciding disclosure where consent of the victim is given or reasonably may be implied. The release forms used by carriers for PSAP disclosure requests should be changed accordingly, and carrier employees should be instructed in their proper use. Alternatively, if the changes to Section 2702 made in 2001 and 2002 were meant to limit the earlier interpretation of Section 2703, that construction should be developed on a reviewable record. On this outcome also turns the question of "may disclose" (Section 2702) versus "must disclose" (Section 2703).

On information and belief, based on e-mails circulated to a NENA listserv, the account in Exhibit A is typical of numerous cases in which carriers have declined to disclose -- in the absence of court orders or similar mandates -- subscriber-specific information about callers to 9-1-1 or that might aid in resolving 9-1-1 emergencies. A notice of proposed rulemaking or a proposed interpretation of the relevant statutes would, we believe, document the nature and frequency of these refusals and illuminate the need for a common practice in the public interest.

It is trite but true that "seconds count" in responding to 9-1-1 emergencies. In situations where calls are broken off and calltakers need to secure customer information from carriers to proceed with rescue, the seconds may extend into minutes, but minutes count, too, in situations such as kidnappings. Emergency calltakers and responders strive constantly to meet the timing standards of National Fire Protection Association ("NFPA") section 1710.[12] The necessary

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[12] NFPA requires that 9-1-1 calls be answered within 60 seconds from the time of the initial ring 90% of the time. An additional 60 seconds (120 seconds total) is allowed for the handling of the emergency telephone call 90% of the time. Section 3.1.42.3 of NFPA 1710 defines "Dispatch Time" from the point of receipt of the emergency alarm at the public safety answering point to the point where sufficient information is known to the dispatcher and applicable units are notified of the emergency.

premium on speed means that we should cut to a minimum disputes over when to release customer-specific information in aid of emergency assistance.

Unlisted Numbers

Section 222(d) and its criminal law counterparts are not the only sources of 9-1-1 information disclosure disputes. Section 222(g) applies, as noted above, to unlisted numbers whose records most often are in the control of local exchange carriers.[13] From time to time, LECs have questioned the instruction to turn over data bases, including unlisted numbers, to providers of emergency services and of "emergency support services." The latter are broadly defined as "information or data base management services used in support of emergency services." Section 222(h)(7).

It is the breadth of the definition that seems to trouble LECs most. While the disclosure is to be used "solely for purposes of delivering or assisting in the delivery of emergency services," some LECs worry about the potential for ignoring or enlarging the permitted use to exploit commercial opportunities. The risk of such abuse is not, we tentatively conclude, a basis for shading the disclosure requirements of the statute. If LECs need to protect themselves, they should do so by contract rather than by refusal to disclose to an eligible recipient.

Clarifying Questions.

Among the questions to which NENA, APCO and NASNA seek answers by rulemaking or interpretation are:

- Does the term "user" in Section 222(d)(4) limit the disclosure of location information in 9-1-1 emergencies?

[13] As in the difference between Sections 2702 and 2703 of the criminal code, discussed above, so in Section 222 there is a distinction between "nothing prohibits" -- a seemingly permissive disclosure under (d) -- and the mandatory "shall provide" in (g).

- Did Congress intend disclosures under Section 222(d) to be discretionary while those under (g) are mandatory?

- Does the "implied consent" interpretation of 18 U.S.C.§2703(c) overcome the limitations of "immediate danger of death or serious physical injury" in Section 2702(b) and (c)?

- How can the differences in the civil and criminal statutes best be reconciled?

- To the extent the laws cannot be reconciled, what should Congress be asked to do?

CONCLUSION

For the reasons discussed above, the Commission should open a rulemaking or issue a declaratory order as to compliance with the relevant statutory provisions on disclosure of information in 9-1-1 emergencies.

Respectfully submitted,

NENA, APCO AND NASNA

By _____

James R. Hobson
Miller & Van Eaton, P.L.L.C.
1155 Connecticut Ave. N.W., Suite 1000
Washington, D.C. 20036 (202) 785-0600
Counsel for NENA and NASNA

Robert M. Gurss
Shook Hardy & Bacon, L.L.P.
600 14th Street N.W., Suite 800
Washington, D.C. 20005 (202) 662-4856
Counsel for APCO

May 2, 2003

EXHIBIT A

From a Communications Manager in a southern California Sheriff's Office:

In late October of 2002, one of our call-takers received a telephone call from a woman who was reporting that she had received a call from her daughter's friend. The friend stated that the woman's daughter was attempting suicide by overdosing on a med. Neither the mother calling 9-1-1 nor the informant knew where the daughter was, but thought she was probably at her boyfriend's home. Unfortunately, they didn't know the boyfriend's last name or his address. But they did have his cell number. Our shift supervisor contacted Pac Bell, which referred her to Verizon, which referred her to [Carrier X]. Carrier X stated that they had the subscriber information, but they would not release it because company policy requires a subpoena or court order to release the information.

After much discussion and repeated emphasis from the dispatch supervisor that this qualified as an exigent circumstance, Carrier X reluctantly agreed to provide the information. The company insisted, as a condition of the release, that we provide them with a written promise that we would send them a subpoena or court order within 48 hours. The shift supervisor provided them with the written promise and they provided us with the subscriber information. Eventually, the daughter was located and was found to be okay.

Now I have Carrier X hounding me for a court order or subpoena. Interestingly, according to county counsel, the section cited by Carrier X, 18 U.S.C. 2702 (c), "allows" the information to be released by the telco if there is a life threatening emergency, but it apparently does not compel them to release this information. Any information that anyone can share would be greatly appreciated.